

March 16, 2017

California Department of Water Resources
Flood Planning Office
Attn: Michele Ng
3464 El Camino Avenue, Suite 200
Sacramento, CA 95821

Subject: 2017 Update to the Central Valley Flood Protection Plan and Supplemental Programmatic Environmental Impact Report (SCH#2010102044)

Dear Flood Planning Office Staff:

The Delta Protection Commission (Commission) appreciates the opportunity to provide comment on the draft 2017 Update to the Central Valley Flood Protection Plan (2017 CVFPP Update) written by the Department of Water Resources (DWR) for the Central Valley Flood Protection Board (CVFPB). The associated supplemental Programmatic Environmental Impact Report (PEIR) has also been reviewed by Commission staff.

The CVFPP outlines the State's approach to reducing flood risk to areas protected by the State Plan of Flood Control (SPFC), including approximately 380 levee miles in the legal Delta. It includes recommendations on policies and financing that aim to support comprehensive flood risk management actions. The draft 2017 CVFPP Update that DWR prepared for CVFPB was developed in close coordination with State, federal, and regional partners, and informed by a multi-year stakeholder engagement process.

The Commission offers the following specific comments on the proposed 2017 CVFPP Update:

- 1) Overall, both the 2012 CVFPP and draft 2017 CVFPP Update encourage land use planning practices that reduce the consequences of flooding. This is explained in Section 3.1.3 (The Urban Portfolio) and DWR's description of how "Limiting Flood Exposure Contributes to Greater Sustainability" (page 3-32). Not allowing new development in the statutory Delta's primary zone is consistent with LURMP Policies Levees P-1, Land Use P-1 and P-2, and Agriculture P-9 (see LURMP Policy table at end of letter for full text). It would be helpful to display the Primary and Secondary zones in Map 2-1 since Flood Management Planning in the statutory Delta will be need to show consistency with the *Land Use Resource Management Plan* and *Delta Plan*. Such long-range and multi-county planning documents like these are not a part of the planning landscape in other parts of the SPFC.

There is a delicate balancing to ensure that new flood protection does not result in the intensification of risk on lives and assets in the floodplain protected behind levees. On the same side, not having protection is placing a financial burden on the Delta's land owners. Non-structural measures (such as flood proofing buildings) may be viable options, but they have a direct financial impact on local property owners and small communities. Some owners are discouraged from making any investments in new buildings unless they obtain a higher level of flood protection to protect their investments. Grant programs such as the *Small Communities Flood Risk Reduction Program* should continue to be supportive of giving grants to small communities and rural areas of the Delta to support local Delta economies as well as cultural heritage and agritourism improvement efforts.

- 2) We encourage the continued use of Advisory Groups as ways that DWR and CVFPB can effectively reach out to those who live, work and recreate in the Delta, consistent with Vision 2030 Strategic Objective O.1 ("Ensure consistent, proactive communication between and among Delta interests and decision makers"). The successes of the 2016 Conservation Strategy Advisory Group are applauded and much appreciated.
- 3) The draft 2017 CVFPP Update includes substantially more detailed descriptions of potential systemwide improvements for areas like Yolo Bypass (pages 3-12 to 3-13) and Paradise Cut (pages 3-18 to 3-19). The Central Valley Flood Protection Act of 2008 (SB 5) sets legislative direction to include multiple objectives, where feasible, when proposing improvements to flood management facilities, including opportunities and incentives for expanding or increasing the use of floodway corridors (Water Code Section 9616(a)(12)). Especially in Paradise Cut, large setback levees are proposed which will change the nature of local agriculture. Lands deemed unsuitable for agriculture once on the waterside of the levee system will need to have ownership responsibilities clarified.

If not suitable for agriculture, the newly floodprone land should be considered for conversion to a recreation or tourism land use, where it could provide local jobs, support local businesses, and provide local tax revenue. Future planning for these two systemwide improvement areas, when located in the statutory Delta, should be oriented towards making the land economically viable in order to support of Land Use Policies Agriculture P-4 and P-7, Recreation & Access P-6, and Natural Resources P-5 and P-8.

- 4) As required by the 2008 Central Valley Flood Protection Act, the 2012 CVFPP considered three alternative approaches to reducing flood risk to the SPFC. Elements from each of these three alternatives were combined in a State Systemwide Investment Approach

(SSIA). The estimated cost of the 2012 SSIA was between \$14 to \$17 billion over 20 to 25 years for full CVFPP implementation.

Based on extensive input from local agencies and detailed studies, the updated SSIA is now estimated at \$17 to \$21 billion over the next 30 years. This includes up to \$16.7 billion in one-time capital costs and annual investments of \$120 to \$280 million for on-going operational costs over 30 years (Table 4-5 in the draft 2017 CVFPP Update). Current funding sources are inadequate to meet the needs and could only provide \$4 to \$5 billion toward CVFPP implementation over the next 30 years. In addition, the existing annual funding shortfall for overall operation and maintenance of the project levees is estimated at \$100 million.

We would encourage the use of unequivocal language in Central Valley Flood Protection Plan Investment Strategy and the 2017 CVFPP Update supporting the long-term continuation of the DWR Delta Levees Subventions Program (Water Code 12980-12995). This language is in support of our Vision 2030 Strategic Objective L.2 (“Advocate for reliable funding for Delta levee maintenance and improvements”) and LURMP Policies Levees P-6 and P-8. DWR’s planning should not result in a larger gap between what is necessary for the proper maintenance of the levees from what is currently set aside for the program from both General Fund and Proposition 1 funding sources.

- 5) Many of the Delta’s reclamation districts struggle to garner landowner support for new assessments which support their own O&M needs or improvements projects. The proposal for new state fees is of concern to the Commission and Delta interests. Imposing additional fees on landowners can impair the ability of reclamation districts to levy and collect future assessments since many rural landowners are operating on tight margins. The Central Valley Flood Protection Plan Investment Strategy spoke about the challenges of obtaining voter approval (Section 4.6 on page 4-13). When agricultural reclamation districts do not have local funds, then they cannot participate in state-sponsored flood management actions. Continually being “skipped over” in favor of urban areas that do have the ability to collect funds only deepens the problem.

There needs to be a larger consensus-building process with local agency officials and agricultural interests on how to implement a new fee structure in rural areas. The Central Valley Flood Protection Plan Investment Strategy recognized that Proposition 218 imposes many restrictions on reclamation districts to raise money locally (Section 4.8). The 2017 CVFPP Update did recognize the need for reform (page 4-42), but the Commission is asking for an additional commitment not to make substantial changes to levee program financing until the Proposition 218 constraints are addressed.

- 6) The draft 2017 CVFPP Update includes objectives for the integration of ecosystem restoration elements into project levee improvements as part of a Conservation Strategy, which was a document called for in CVFPB's Resolution 2012-25. These non-regulatory measurable objectives serve as a framework for evaluating progress toward recovery of native species over time. In particular, the document has detailed review of relocating levees to expand bypasses and integrating ecosystem and other improvements where possible into flood-risk-reduction actions. We suggest DWR and CVFPB promote the use of DWR's "good neighbor checklist" as it was developed for the Bay Delta Conservation Plan's agricultural land stewardship strategy and consider Vision 2030 Strategic Objective A.2 ("Protect agricultural lands from inappropriate development.") and LURMP Policy Natural Resources P-1.
- 7) The potential for enhancing recreational use of a flood control system has been recognized by the federal government as they approve changes to project levees. While access to these public trust resources has been degraded in some locations in the intervening decades, many still remain in the Delta and new possibilities will arise as the 380 levees miles of project levees are improved. Developing outdoor recreational, environmental, agricultural and cultural tourism in the legal Delta will be consistent with LURMP Policy Recreation & Access P-4.

The Commission would like to see the Great California Delta Trail supported in locations next to major highways and urban areas. Multi-benefit levee projects along State Highway 160 should be included in the 2017 CVFPP Update as a policy-guidance for future funding programs. In addition, the Financing Strategy should allow funding from other sources to support recreation that is compatible with a project's flood control purpose when supported by the local land use authority.

- 8) The draft 2017 CVFPP Update includes ways to overcome the permitting challenges for multi-benefit flood management actions. Regulatory reform would take time, but could eventually benefit Delta reclamation districts when they maintain and improve non-project levees, as well as other agencies that build complex projects in areas with highly sensitive species and habitat (i.e., Caltrans, cities, and counties). Having improved permitting process would be in support of LURMP Policies Utilities & Infrastructure P-5 and P-7.

The Commission offers the following specific comments on the Supplemental PEIR:

- 1) Agricultural conservation measures proposed by the 2012 CVFPP PEIR are designed to limit conversion of agricultural land to urban uses, and to preserve the robust agricultural economy of the Central Valley. This is consistent with Vision 2030 Strategic

Objective H.1 (“Protect the Delta’s distinctive character and land uses through implementation of the LURMP”) and the LURMP Policy Agriculture P-8.

- 2) One of the more significant changes to the PEIR concerns the removal of vegetation from levees as part of compliance with federal regulations (described in the PEIR’s Appendix A). This change in strategy will affect the aesthetics of Delta waterways and could be in conflict with Vision 2030 Strategic Objective E.4 (“Identify and address environmental factors that negatively impact the economic sustainability of the Delta” – “4.2. Advocate for improved beautification of Delta roadways”). The removal of trees from roads that are the gateway to the Delta will change the character of the experience for both those who live and recreate in the Delta. The loss of trees should be evaluated not just for their possible biological impacts, but also evaluated for its potential to impact “Delta as Place” – the unique Delta values that are to be protected and enhanced even as the State seeks to accomplish its co-equal goals of water supply reliability and Delta ecosystem restoration.

The Commission suggests the 2017 PEIR Update include edits to Section 3.2 Aesthetics to consider the traveler’s experience on roads (see page 3.2-8 to 3.2-9 from July 2012 PEIR). These experiences could change significantly after removal of riparian trees. The possible aesthetic impacts of maintenance work in a defined vegetation management zone (Impact VIS-5, page 3.2-32) in relation to the established Threshold of Significance (as used in Section 3.2.3 from the 2012 PEIR) merit a fresh look with the new information on the extent of vegetation removal that is now documented in Appendix A of the 2017 PEIR. It would seem that offsetting visual impacts along the Delta’s river corridors itself rather than in setback levees within the Yolo Bypass is needed as a new mitigation measure in the 2017 CVFPP Update.

The Commission appreciates the Department’s and Board’s consideration of these comments.

Sincerely,

Skip Thomson
Chair

cc: Members, Delta Protection Commission
Chair Randy Fiorini and members, Delta Stewardship Council
President William Edgar and members, Central Valley Flood Protection Board

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LURMP Policy List for CVFPPP Projects and Planning Efforts

Relevant Portions of LURMP Policy	Numbered Topics in Letter									
	1	2	3	4	5	6	7	8	1	2
Land Use P-1 ...the Delta shall be preserved and recognized in public/private facilities,....	X									
Land Use P-2 ...zoning codes shall continue to promote and facilitate agriculture....recreation and natural resources land uses shall be supported in appropriate locations and where conflicts with agricultural land uses or other beneficial uses can be minimized.	X									
Agriculture P-4 Support agricultural programs that maintain economic viability and increase agricultural income in accordance with market demands, including but not limited to wildlife-friendly farming, conservation tillage and non-tillage			X							
Agriculture P-7 Encourage management of agricultural lands which maximize wildlife habitat...			X							
Agriculture P-8 Encourage the protection of agricultural areas, recreational resources, and sensitive biological habitats, and the reclamation of those areas from the destruction caused by inundation.									X	
Agriculture P-9 Support agricultural tourism....	X									
Natural Resources P- 1 Encourage compatibility between agricultural practices and wildlife habitat.						X				
Natural Resources P-5 Preserve and protect the viability of agricultural areas by including and adequate financial mechanism in any planned conversion of agricultural lands to wildlife habitat for conservation purposes.			X							
Natural Resources P-8 Promote ecological, recreational and agricultural tourism in order to preserve the cultural values and economic vitality that reflect the history, natural heritage and human resources of the Delta including the establishment of National Heritage Area designations.			X							
Recreation and Access P-4 Encourage new regional recreational opportunities....								X		
Recreation and Access P-6 Support multiple uses of Delta agricultural lands, such as seasonal use for hunting and provision of wildlife habitat.			X							

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	1	2	3	4	5	6	7	8	1	2
Levees P-1 Increased flood protection shall not result in residential designation or densities beyond those allowed under zoning and general plan designations in place on January 1, 1992, for lands in the Primary Zone	X									
Levees P-6 Support multi-year funding commitment to maintain and restore both project and non-project levees in the Delta.				X						
Levees P-8 Seek funding for and support programs to make cost-effective levee investments in order to preserve the economy and character of the Delta.				X						
Utilities and Infrastructure P-5 Maintain roads within the Delta to serve the existing agricultural uses and supporting commercial uses, recreational users, and Delta Residents. Promote the maintenance and enhancement of major thoroughfares already used as cross-Delta corridors.								X		
Utilities and Infrastructure P-7 Encourage the provision of infrastructure for new water, recreational, and scientific research facilities.								X		